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THE SIERRA ALUMINUM COMPANY
EMPLOYEE STOCK OWNERSHIP PLAN

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UNITED STATES DISTRICT COURT

CENTRAL DISTRICT OF CALIFORNIA

HILDA L. SOLIS,
Secretary of the United States
Department of Labor,

Plaintiff,

vs.

GREATBANC TRUST COMPANY,
SIERRA ALUMINUM COMPANY,
and THE SIERRA ALUMINUM
COMPANY EMPLOYEE STOCK
OWNERSHIP PLAN,

Defendants.

Case No.: 5:12-cv-01648-R (DTBx)

NOTICE OF MOTION AND MOTION TO DISMISS

DATE: March 4, 2013
TIME: 10:00 a.m.
LOCATION Courtroom 8, 2nd Floor
312 North Spring Street
Los Angeles, CA
JUDGE: Hon. Manuel L. Real

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San Francisco, California 94111

NOTICE OF MOTION AND MOTION

TO PLAINTIFF AND HER COUNSEL OF RECORD:

PLEASE TAKE NOTICE THAT on March 4, 2013, at 10:00 a.m., or as soon thereafter as the Court's calendar permits, before Honorable Manuel L. Real, United States District Court, Central District of California, 312 North Spring Street, Los Angeles, CA, 90012-4701, Courtroom 8, 2nd Floor, Defendants Sierra Aluminum Company and The Sierra Aluminum Company Employee Stock Ownership Plan will and hereby do move the Court for an order dismissing the Second Claim for Relief of Plaintiff's Complaint, pursuant to Federal Rule of Civil Procedure 12(b)(6).

This Motion is made on the ground that the Complaint does not state a claim upon which relief may be granted because the second claim for relief seeking to invalidate the indemnification agreement has no merit under the law and under the agreement's language.

This Motion is based upon this Notice of Motion and Motion, the accompanying Memorandum of Points and Authorities, all pleadings and papers on file in this action, and upon such argument and matters as may be presented to the Court at the time of the hearing.

Dated: January 16, 2013

TRUCKER ✦ HUSS

By: /s/ Charles M. Dyke
Charles M. Dyke
Sean T. Strauss
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SIERRA ALUMINUM COMPANY and
THE SIERRA ALUMINUM COMPANY
EMPLOYEE STOCK OWNERSHIP
PLAN